

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

IHEALTH PHARMACY LLC D/B/A  
CET PHARMACY SERVICE,

Plaintiff,

Case No. 2:22-cv-12587

v.

Lower Court Case No. 22-001227-NF

LIBERTY SURPLUS INSURANCE  
CORPORATION,

Defendant.

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**NOTICE OF REMOVAL**

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PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § § 1332, 1441 and 1446, Defendant Liberty Surplus Insurance Corporation (“Defendant”), by and through its counsel at Plunkett Cooney, PC, hereby removes the matter entitled *IHealth Pharmacy LLC d/b/a CET Pharmacy Service v. Liberty Surplus Insurance Corporation*, Case No. 22-001227-NF, currently pending in the Washtenaw

County Circuit Court to the United States District Court for the Eastern District of Michigan. The bases for removal are set forth below:

1. On September 13, 2022, Plaintiff IHealth Pharmacy LLC d/b/a CET Pharmacy Service (“Plaintiff”) commenced a civil action against Defendant on the Washtenaw County Circuit Court, which was assigned Case No. 22-001227-NF (the “State Court Action”). **Exhibit 1**, Summons and Complaint.

2. According to the Complaint, Plaintiff brought a claim for personal protection insurance benefits against Defendant allegedly incurred by “provid[ing] reasonably necessary products, services and/or accommodations” to eight separate patients that were involved in motor vehicle accidents. **Exhibit 1**, at ¶¶ 7, 10, and Exhibit A.

3. 28 U.S.C. § 1332 provides: “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States . . . .” 28 USC 1332(a)(1).

4. Plaintiff is a Michigan corporation with its principle place of business in Michigan. **Exhibit 2**, Plaintiff’s Articles of Organization; **Exhibit 3**, Plaintiff’s NPI Provider Information. Therefore, for diversity purposes, Plaintiff is a citizen of the State of Michigan. 28 U.S.C. § 1332(c)(1).

5. Defendant is a New Hampshire corporation with its principle place of business in Massachusetts. Therefore, for diversity purposes, Defendant is a citizen of the States of New Hampshire and Massachusetts. 28 U.S.C. § 1332(c)(1).

6. There is complete diversity of citizenship between Plaintiff and Defendant.

7. Defendant, in good faith, believes that the amount in controversy exceeds \$75,000, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a). In support of its good faith belief that the amount in controversy exceeds \$75,000, Defendant relies on the allegations in Plaintiff's Complaint indicating that it seeks damages in the amount of \$158,454.50. **Exhibit 1**, at ¶ 10 and Exhibit A.

8. Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." Under 28 U.S.C. § 102, this Court embraces Washtenaw County Circuit Court. Accordingly, this is the appropriate Court to which to remove this action. 28 U.S.C. § 1441(a).

9. The Summons and Complaint were served on Defendant on September 29, 2022. **Exhibit 1** (envelope showing USPS Certified Mail Tracking No. 7021 0950 0000 3724 0637); **Exhibit 4**, USPS Tracking Results (indicating that the Certified Mail was delivered on September 29, 2022). This Notice of Removal is filed with this Court within 30 days after service of the Summons and Complaint upon Defendant. Thus, removal is timely under 28 U.S.C. § 1446(b).

10. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Defendant in the State Court Action – the Summons and Complaint – are attached hereto as **Exhibit 1**. Defendant has not filed any responsive pleadings in the State Court Action.

11. Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction over this civil action because it involves a controversy between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Thus, removal is proper in accordance with 28 U.S.C. § 1441(a).

12. As required by 28 U.S.C. § 1446(b), this Notice of Removal is being filed within 30 days after Defendant's resident agent Corporation Service Company's September 29, 2022 receipt of the Summons and Complaint in the State Court Action. See **Exhibits 1 and 4**.

13. Because there exists diversity of citizenship under 28 U.S.C. § 1332(a)(1) and the amount in controversy exceeds \$75,000 as required by 28 U.S.C. § 1332(a), both counts are within the original jurisdiction of this Court and are subject to removal under 28 U.S.C. § 1441(a).

14. Written notice of the filing of this notice of removal will be given to the adverse parties as required by law.

15. The allegations of this notice are true and correct and this cause is within the jurisdiction of the United States District Court for the Eastern District of Michigan.

WHEREFORE, Defendant files this notice of removal and removes this civil action to the United States District Court for the Eastern District of Michigan. Plaintiff is notified to proceed no further in state court unless or until the case should be remanded by order of said United States District Court.

Respectfully submitted,

PLUNKETT COONEY, PC

Date: October 27, 2022

/s/ Jesse A. Zapczynski

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**CERTIFICATE OF SERVICE**

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Jennifer Gordon, an employee with the law firm of Plunkett Cooney, being first duly sworn, deposes and says that on the 27<sup>th</sup> day of October, 2022, she caused a copy of this document to be served upon all parties of record, and that such service was made electronically upon each counsel of record so registered with the United States District Court and via U.S. Mail to any counsel not

registered to receive electronic copies from the court, by enclosing same in a sealed envelope with first class postage fully prepaid, addressed to the above, and depositing said envelope and its contents in a receptacle for the US Mail.

By: /s/ Jennifer Gordon  
Plunkett Cooney  
[jgordon@plunkettcooney.com](mailto:jgordon@plunkettcooney.com)

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